

ORDINANCE NO. 09-08

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ACCEPTING THE RIGHT-OF-WAY DEED FROM J.V.C. MANAGEMENT CORP., A FLORIDA CORPORATION, CONSISTING OF A 35-FOOT WIDE STRIP OF LAND ALONG NW 142 STREET, IF CONSTRUCTED, BETWEEN NW 97 AVENUE AND NW 107 AVENUE, HIALEAH, FLORIDA AS MORE PARTICULARLY DESCRIBED AS PARCEL 209, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of January 14, 2009 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The City of Hialeah, Florida hereby accepts a right-of-way deed from J.V.C. Management Corp., a Florida corporation, consisting of a 35-wide strip of land along NW 142 Street, if constructed, between NW 97 Avenue and NW 107 Avenue, Hialeah, Florida, Parcel 209, legally described as follows:

THE NORTH 35.00 FEET OF THE EAST ONE-HALF OF TRACT 5, LESS THE EAST 25.00 FEET THEREOF, IN THE SOUTHWEST ONE-QUARTER (S.W. ¼) OF SECTION 20, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF CHAMBERS LAND COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND

EXCEPTING THERE FROM, ANY PORTION OF THE  
ABOVE-DESCRIBED LANDS PREVIOUSLY  
DEDICATED AS PUBLIC RIGHT-OF-WAY.

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 5: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the

Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

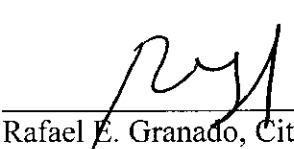
PASSED and ADOPTED this 10th day of February, 2009.

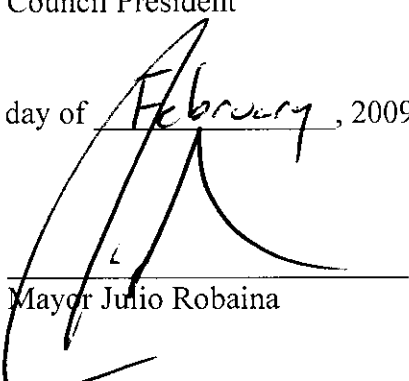
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
\_\_\_\_\_  
Carlos Hernandez  
Council President

Attest:

Approved on this 11 day of February, 2009.

  
\_\_\_\_\_  
Rafael E. Granado, City Clerk

  
\_\_\_\_\_  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".



CFN 20090137541  
OR Bk 26765 Pgs 0103 - 105; (3pgs)  
RECORDED 02/25/2009 09:51:16  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

**Return to:**

City of Hialeah, Florida  
Law Department  
501 Palm Avenue  
Hialeah, Florida 33010

**Instrument prepared by:**

William M. Grodnick, City Attorney  
City of Hialeah Law Department  
501 Palm Avenue, Hialeah, Florida 33010

Property Appraiser's Parcel Identification (Folio)  
Number(s): 04-2020-001-0050  
(Parent folio)

Parcel 209  
NW 142<sup>nd</sup> Street  
City of Hialeah

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**RIGHT-OF-WAY DEED TO CITY OF HIALEAH, FLORIDA  
FOR PUBLIC RIGHT-OF-WAY**

**THIS INDENTURE**, made this 25<sup>th</sup> day of December, 2008, by and between J.V.C. Management Corp. a Florida corporation, whose address is 9390 N.W. 109 Street, Medley, Florida 33178, party of the first part, and the City of Hialeah, Florida, a municipal corporation organized and existing by virtue of and under the laws of the State of Florida, its successors in interest, whose address is 501 Palm Avenue, Hialeah, Florida 33010, party of the second part.

**WITNESSETH**, that the said party of the first part, for and in consideration of the sum of Ten and No/100th (\$10.00) Dollars, to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, and for other good and valuable consideration, has granted, bargained, and sold to the party of the second part, its successors in interest, for the purpose of a public right-of-way and purposes incidental thereto, the following described land, situate, lying and being in the County of Miami-Dade, State of Florida, to wit:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.**

It is the intention of the party of the first part, by this instrument, to convey to the party of the second part, and its successors in interest, the land above described for use a public right-of-way and for all purposes incidental thereto.

It is expressly provided that if and when the said right-of-way shall be lawfully and permanently discontinued, the title to the said above-described land shall revert to the party of the first part, its heirs and assigns, and such party shall have the right to repossess the same.

And the party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever, claiming by, through or under the party of the first part.

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IN WITNESS WHEREOF, the said party of the first part has hereunto set our hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of:

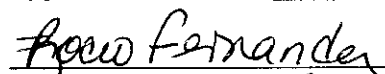
J.V.C. Management Corp.  
A Florida corporation  
9390 N.W. 109 Street  
Medley, Florida 33178

Attest:

  
Corporate Secretary

By:   
President

Witness  
Typed/Printed Name: Francine Martinez

  
Witness  
Typed/Printed Name: ROCIO FERNANDEZ

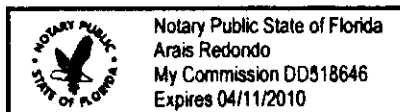
(SEAL)

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

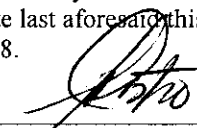
I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared JUAN I. GONZALEZ as President of J.V.C. Management Corp., a Florida corporation, who is known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that they executed the same, and I relied upon the following form of identification of the above-named persons:

\_\_\_\_\_ or is personally known to me and that an oath was taken.

NOTARY SEAL



Witness my hand and official seal in the County and State last aforesaid this 30<sup>th</sup> day of DECEMBER 2008.

  
Notary Signature  
ARAI REDONDO  
Typed/printed name

My commission no.: DD 518646

Exhibit "A"

**LEGAL DESCRIPTION PARCEL 209**  
**(Parent Tract Folio: 04-2020-001-0050)**

The North 35.00 feet of the East one-half (E. 1/2) of Tract 5, less the East 25.00 feet thereof, in the Southwest one-quarter (SW. 1/4) of Section 20, Township 52 South, Range 40 East, of CHAMBERS LAND COMPANY SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 2, at Page 68, of the Public Records of Miami-Dade County, Florida,

AND

Excepting there from, any portion of the above-described lands previously dedicated as public right-of-way.

